

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

Approved 2/11/13

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 28th day of January 2013 A.D. at 7:00 p.m.

President Roderick opened the meeting with the Pledge of Allegiance to the Flag.

| | | |
|-------------------|--|---------------------------|
| Roll Call: | Edward A. Roderick-President | William P. Gerlach |
| | Denise M. deMedeiros-Vice President | Jay J. Lambert |
| | James Arruda | Brett N. Pelletier |
| | Joan B. Chabot | |

Town Administrator, James C. Goncalo and Town Solicitor, Andrew M. Teitz were also present.

Approval of Consent Agenda:

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

President Roderick read the items on the Consent Agenda, requested removals, none at this time.

Councilor Gerlach made a motion, seconded by Councilor Pelletier to accept the items on the Consent Agenda. Motion passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA:

A-1-Approval of Minutes of Previous Meetings:

- a. Approval of Minutes From Regular Council Meeting January 14, 2013
Councilor deMedeiros Abstained - Absent
- b. Approval of Executive Session Council Minutes of January 14, 2013
Councilor deMedeiros Abstained - Absent

A-2-Receipt of Minutes from the Following Boards, Commissions:

- a.Tiverton Open Space and Land Preservation Commission (4)
- b.Library Board of Trustees
- c.Tiverton Recreation Commission
- d.Conservation Commission
- e.Pocasset Hill Cemetery
- f.Historical Cemeteries Commission

A-3-Correspondence – Receive and File

- a. Eastern Rhode Island Conservation District – Request Consideration for Funding – Referred to Town Administrator

A-4-Approval of Tax Assessor Abatements

A-5-Denise Saurette, Treasurer – December 2012 Revenue and Budget Reports

A-6-Approval of Petition for National Grid for New Pole (P.1-50) on Bullfrog Lane

a.DPW Director S. Berlucchi Recommendation

b.Exhibit “A” Town Stipulations Required for Approval Typed on Approved Petition

BUSINESS BROUGHT BEFORE THE COUNCIL

OPEN PUBLIC FORUM

Barbara Pelletier left a report with the Clerk regarding the meal tax which increased 11.30%, or \$15,667 to the Town of Tiverton. City of Newport will be holding Winter fest on February 15th and restaurant week is in the near future. Neighboring Massachusetts tax proposing to go down to 4%, need legislators to look at ours. Debt per capita for each citizen in Tiverton is \$3,119 per person compared to Little Compton at \$533 per person.

Item moved up in agenda.

Councilor Pelletier made a motion, seconded by Councilor Chabot to move up item J1a, Resolution in Opposition to Tolls on the New Sakonnet River Bridge, while the delegates are here. Motion passed unanimously.

Councilor Pelletier – a. Resolution in Opposition to Tolls on the New Sakonnet River Bridge

President Roderick read the Resolution, requested comments, additional language.

Councilor Lambert made a motion, seconded by Councilor deMedeiros to adopt the Resolution Opposing the Placement of Tolls on the New Sakonnet River Bridge. Motion passed unanimously.

The adopted Resolution was as follows:

RESOLUTION OF THE TIVERTON TOWN COUNCIL

RESOLUTION OPPOSING THE PLACEMENT OF TOLLS ON THE NEW SAKONNET RIVER BRIDGE

WHEREAS: the fiscal year 2012-2013 state budget enacted by the General Assembly and signed into law by the Governor authorizes the Rhode Island Bridge and Turnpike Authority to impose tolls on the Sakonnet River Bridge;

WHEREAS: the Town Council has serious concerns with the negative impact such tolls would cause upon the economic, social and cultural welfare of the residents, businesses, and community organizations of Tiverton and neighboring communities, and

WHEREAS: Placement of tolls on the Sakonnet River Bridge will serve to severely isolate the town of Tiverton and neighboring communities, and

WHEREAS: Tiverton and neighboring citizens, businesses, professionals, organizations, and committees have expressed total opposition to the tolls, and

WHEREAS: Taxpayers are already burdened by some of the highest property taxes nationally, and

WHEREAS: the RIDOT has held hearings in both Portsmouth and Tiverton and overwhelmingly heard opposition and hardships by persons that would be affected with the implementation of tolls on the Sakonnet River Bridge, and

WHEREAS: Tiverton residents utilize the Bridge often several times a day for purposes such as medical treatment, work, school, shopping, business, pleasure, and to visit relatives.

NOW THEREFORE BE IT RESOLVED: That the Tiverton Town Council strongly expresses its opposition of the imposition of tolls on the Sakonnet River Bridge.

RESOLVED: That a copy of this Resolution be forwarded to every State Senator, State Representative and the Governor.

PASSED AND APPROVED THIS 28th DAY OF JANUARY 2013.

APPROVED: _____

Edward A. Roderick, Town Council President

ATTEST: _____

Nancy L. Mello, Town Clerk

Town Clerk, Nancy Mello will mail to all the Representatives, Senators and Governor.

PUBLIC HEARINGS & PUBLIC PRESENTATIONS:

Legislative Update

Honorable Senator Walter S. Felag, Jr.

Honorable Senator Louis P. DiPalma

Honorable Senator Christopher S. Ottiano

Honorable Representative John G. Edwards

Honorable Representative Dennis Canario

Local area legislators updated the Council on legislation. Representative John G. Edwards and Senator Walter S. Felag, Jr. have introduced bills opposing the tolls, should be heard at the end of February or early in March along with several other bills. If the tolls don't happen, need other mechanism's for the Bridge, averaged annually the four bridges, Newport, Mt. Hope, Jamestown and Sakonnet need \$38million dollars. Assuming the tolls are still on the Newport Bridge an additional

\$17million needs to be raised annually (over 10 years). If the Newport tolls are raised that would drop to \$13million. Question is finding \$17million in the budget to not raise tolls? The budget presented by the Governor has some good components; first time in years there is no supplemental budget. Article 11, page 105-107, proposes \$10million across the State for cities and towns to meet retirement obligations; has conditions relative to communities with local pensions. Tiverton could get \$149,000, page C12, future years would have different criteria. The Funding Improvement Plan (FIP) is based on population, no fees or increases in the budget. Tolls are in the front of everyone's minds; legislator's goal is no tolls. President Roderick requested pressing this upon other legislators in the State.

Representative Edwards entered two bills in the House, H-5137 and H-5069 Senate has a companion bill, S0020. One proposes changing the composition of the Board putting the Town Council President or appointee on that board. The Governor could only appoint for the DOT, would have to be an elected official from Newport County. Also asked for every Town Council and School Committee in Newport County, for a resolution in support of bills. Representative Canario suggested various members of the support groups come and testify, especially businesses. The goal is convincing other colleagues, Newport constituents don't want their toll raised. Representative Edwards has 54 co-sponsors of the bill.

Senator DiPalma explained the funding could come from a combination of existing resources within the budget. Senator Ottiano has seen other bills relating to motor vehicles summons, a surcharge, isolate some of that money. It has to do with getting a coalition of people for one idea. Senator Felag requested the Resolution be amended to include the Finance Chairs of the House and the Senate, the Speaker of the House and the Senate President, who will be holding the public hearings. President Roderick noted a new bridge was just built in Pawtucket and questioned if the maintenance for that bridge was in the budget. Representative Edwards explained the Sakonnet would be a cash cow for the other bridges. Senator DiPalma noted the debt for the DOT moves over to the State in this budget so that 50% of gas tax will now be used for bridge maintenance.

President Roderick requested the legislators also look at unfunded mandates. Senator DiPalma suggested contacting the legislators with specifics and to prioritize. Representative Edwards proposed bills to address DEM with Site Ready. Senator DiPalma explained there was a Superior Court hearing scheduled for February 20th; Solicitor Teitz noted that was for Tiger Tree so DEM can move forward to enforce consent. Representative Canario also had House legislation drawn to cap increases of service providers equal to the State cap. President Roderick thanked the legislators for coming, appreciate the work that is done.

Dr. Leon Hoyer, Library Building Committee –Update on Progress of the New Library Project

Dr. Hoyer updated the Council on the progress of the new library, passed out color copies of the prospective view and proposed floor plan. Summarized, in 2011 voters approved a referendum for \$7million to be borrowed to construct and equip a new library. Went on a +capital campaign for grants, raised over \$3.4million so far in grants, gifts and pledges. A Building Committee was established by the Trustees, moving the project forward, nearly \$1.4million used for planning, site purchase, architect, engineering and other costs. The new library will be built on a 6.2 acre site near the corner of Bulgarmarsh Road and Stafford Road. A Library Construction Coordination Committee was formed for communication, collaboration among groups working on the project. Will be working with a construction manager to be within budget, will negotiate a maximum price contract with the construction management firm. The Office of Library Information Services (OLIS) will carefully review documents once complete and audited, OLIS will begin to pay an estimated \$4million of the costs. Groundbreaking should occur by May 2013. Before the Town spends money, will come forth with a resolution to authorize to spend funds. Once construction starts, will come to the Treasurer with a request for payment. Once the building is completed a certificate of occupancy will be issued and the library will transfer the Essex to the Town. President Roderick thanked Dr. Hoyer for the update.

Mr. Paul Dansereau - Presentation of the FY 2011-12 Audit Report

Mr. Paul Dansereau appeared before the Council to present and answer questions related to the FY 2011-12 Audit Report. Treasurer Denise Saurette was also in attendance. Mr. Dansereau thanked the Council for the opportunity to present the Audit, thanked Treasure Saurette, her staff for providing the documents and working papers, and Doug Fiore from the School Department. The audit went very well, not a lot issues, completed by December 31, 2012. Highlights; was an unqualified audit, ensured regular compliance. On page 13 is the Statement of Net Assets, similar to a corporate balance sheet, required by GASB 34. Puts all liabilities on a balance sheet to see long term debt, all capital projects are in the Governmental Activities column. On page 14, more of an income statement with expenses on the left side and program revenues in the middle two columns. Net assets ending balance \$8,389,617. Bonding agencies like to see this form; the net assets are in a positive position. Page 15 gives a presentation of a cash basis; details are in the back of the report. This page shows a fund balance in different categories, School unrestricted fund balance is \$810,470. The School has \$1,210,470 in the total fund. Page 16 shows a net change of \$218,006, positive balance for the General Fund, School has \$374,251, positive balance. The

Town has an ending Fund balance of \$2,224,325, the School, \$1,210,470. Page 20 shows a cash flow break down, page 21, Fiduciary Funds, the Police Pension Trust, Private Purpose Trust and Agency Funds. The Town is a fiduciary agent for this fund, contributes, used to pay benefits, described in more detail in the activities of the Town. Page 46 describes other post-retirement benefits, can change based on contractual agreements or what is currently available to retirees. Page 49 is a note about teacher retirement plans, municipal employer retirement plan changes result of the Rhode Island Retirement Security Act of 2011. Page 60 shows the schedule of funding progress for Municipal Employee Retirement System (MERS), basically overfunded, excess is good. Page 68 shows more detail of budget activities, actual excess of revenues over expenditures, \$668,449, and \$471,443 in carry forwards. Pages 70-77 shows more detail on expenditures, page 78 shows the School budget to an actual surplus, \$374,251. Page 79 shows required supplementary information, no effect to the bottom line, also in the Federal Compliance Audit which is not really a financial audit. There were no compliance issues. Page 113 is the Report on internal Control over Financial Reporting and on Compliance and Other Matters, no issues in that audit.

Councilor Gerlach questioned what the Land Acquisition Fund was used for if it has \$3.5million in it. Administrator Goncalo explained it was the value of the land in business park. Councilor Gerlach also questioned if there as a threshold for the Bond Debt Limit on page 11. Mr. Dansereau explained that came from page 112, is 3% of the total asset value. President Roderick thanked both for a great job.

ADVERTISED PUBLIC HEARINGS:

Harbormaster David Vannier – Public Hearing on Proposed Town Code Changes to Chapter 14 – Boats and Waterways – Amendment to Revise Several Parts of Chapter 14 to Bring the Code Into Conformance with the Harbor Management Plan Required by RI CRMC

Harbormaster David Vannier appeared before the Council on the proposed changes to the Town Code, Chapter 14- Boats and Waterways, to bring the Code into conformance with the Harbor Management Plan. The Harbor Plan was approved by the Town Council on August 27, 2012. The propose changes are to give enforcement behind the Harbor Plan.

President Roderick opened the Public Hearing for comments. Jeff Belli brought to the Council's attention the Harbormaster has put in his resignation, should wait on the changes for a new harbormaster. Solicitor Teitz explained the changes were not just from the Harbormaster, have been vetted with the Harbor and Coastal Waters Management Commission, has reviewed from a legal standpoint, was not hastily considered. Harbormaster Vannier explained this was initially submitted right after the Harbor Plan. Harris Gruber, former member of the Harbor Commission praised the Harbormaster for exceeding in his service to the Town and for his work on the proposed changes to the Code. President Roderick closed the public comment portion of the Public Hearing.

Councilor Pelletier thanked the Harbormaster, questioned section 14-195, Marine toilet and sewage discharge, last part refers to fines, questioned if they were set. Harbormaster Vannier explained that falls under a general harbor fee, first fine \$50, could be higher, state fees for any infraction on the water goes to a max of \$100. Solicitor Teitz explained the Fees and Fines public hearing, which is also on the agenda for tonight, will request to continue and advertise. As a point of order, President Roderick noted Section 14-46; Pump out boat operator qualification review does not mean there is a pump out boat. Solicitor Teitz did not see a problem by leaving that in; don't have to have a pump out boat just because it has qualifications. Councilor Chabot requested an explanation from the Harbormaster of Section 14-115, Transfer of permits. Harbormaster Vannier explained it was a direct cut and paste from CRMC, Article 3000, is a requirement. Those who live on the water are entitled to moorings that transfer with the land. For those who live off the water, one transfer is allowed, affords the availability to residents and nonresidents on the waiting list. Councilor Chabot was concerned, Harbormaster Vannier explained this was a change CRMC said you must have. A commercial mooring is a separate entity. President Roderick thanked the Harbormaster, has done a lot for the Town and the waterways.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to approve the proposed changes to the Town Code of Ordinances, Chapter 14 –Boats and Waterways. Motion passed unanimously.

The adopted changes as presented attached.

Public Hearing on Pay As You Throw Waste Collection Program Regulations and Procedures Proposed Amendment to Revise Section 4.5 of the Regulations to Allow the Director of Public Works to Designate Specific Holiday Periods When Certain Requirements Such as the Use of Only Authorized Waste Disposal Bags May be Suspended

Department of Public Works (DPW) Director Steve Berlucchi noted the average daily pick up is 20 cubic yards of rubbish, with the holiday period, 80 cubic yards of rubbish was collected, translated to 15 days of useful life to the landfill. It also

meant \$54,000 was not saved for the landfill closure as a result. The Landfill/Recycling Committee has a meeting later this week to discuss. Solicitor Teitz added has been done in the past as a Council resolution; this would allow the DPW Director authorized to make the exception. President Roderick requested comments from the public, seeing none, closed that portion of the Public Hearing.

Solicitor Teitz noted the Council could table, continue or approve. Councilor Pelletier pointed out this does not compel the DPW Director to impose or not, he is only authorized to make an exception. Solicitor Teitz suggested there might be other considerations like a hurricane. President Roderick suggested should say a specific week.

Councilor Pelletier made a motion, seconded by Councilor Arruda to approve the proposed amendments to the “Pay As You Throw” Waste Collection Program Regulations and Procedures to Section 4.5 of the Regulations to allow the Director of Public Works to designate specific holiday periods when certain requirement, such as the use of only authorized waste disposal bags, may be suspended. Motion passed unanimously.

The adopted amended regulation and procedures was as follows:

4.5 The only exception to these regulations for Residential Waster shall be determined by the Director of Public Works, and *may* include:

- a) Bulky Waste, disposal of which is arranged by the Residential Waste Generator and the Director of Public Works; *and/or*
- b) Specific days established by the Director of Public Works for the disposal of bulk items, *and/or*
- c) *Specific holiday periods when certain requirements, such as the use of only authorized waste disposal bags, may be suspended.*

Public Hearing on Code of Ordinances-Chapter 78-Traffic and Vehicles – Proposed Amendments Will Revise Parts of Chapter 78, Including Changes to Article II-Operation, Section 78-37 – Stop Streets and Article III - Stopping, Standing and Parking, Sections 78-62 Through 78-100 (Designating No-Parking Areas and Regulating Hours and Duration of Permitted Parking).

a.Stop Sign at Abigail Estates Subdivision at Intersection of North Brayton Road and Lyne Street and the Intersection of Christopher Avenue and Lyne Street b.Permanent Removal of (2) Stop Signs on Hilton St at Bottom Street – Requested By DPW Director Stephen Berlucchi c.Establish No Parking Area Along the South Side of Eagleville Road From Intersection of Stafford Road to Area of 1745 Eagleville Road – Requested by Chief Thomas Blakey

DPW Director Berlucchi explained the request for the removal of two stop signs on Hilton Street at Bottom Street. There are s four-way stop signs going down Hilton Street from Main Road. Hilton Street is a steep hill, hard to stop at the downhill stop sign, also hard to maintain momentum going up the hill. Bottom Street has very little traffic, site distances will be cleared by the DPW at the intersection. Police Chief Thomas Blakey had reviewed, agreed with the request from Director Berlucchi. President Roderick requested comments from the public at this time.

Chief Blakey requested the posting of No Parking signs on the south side of Eagleville Road from the intersection of Stafford Road to the area of 1745 Eagleville Road; talked to Father Peter at Saint Theresa’s Church, supported the effort.

Town Clerk Nancy Mello explained the Stop Signs were to meet the requirement of the Planning Board for the Abigail Estates Subdivision. The stop signs will be located at two different intersections, North Brayton Road and Lyne Street and at Christopher Avenue and Lyne Street. Bothe Chief Blakey and DPW Director Berlucchi supported the proposed stop signs. President Roderick requested comments from the public, seeing none closed the public comment portion of the public hearing.

Councilor Pelletier made a motion, seconded by Councilor Arruda to approve the Amendments to the Code of Ordinances –Chapter 78-Traffic and Vehicles including changes to Article II Operation, Section 78-37 , Sections 78-62 through 78-100 to include the installation of 2 stop signs at Abigail Estates Subdivision at the intersection of North Brayton Road and Lyne Street and the intersection of Christopher Avenue and Lyne Street, the permanent removal of two stop signs on Hilton Street and Bottom Street and the establishment of a No Parking Area along the south side of Eagleville Road from the intersection of Stafford Road to an area of 1745 Eagleville Road as indicated in the Council packet as B6a,b and c. Motion passed unanimously.

Public Hearing on Fee and Fines Resolution – Proposed Amendments Pursuant to Code of Ordinance Section 2-1-Fees and Fines

Solicitor Teitz requested the proposed amendments to the Fees and Fines Resolution be continued to March 25th to allow for the 21 day advertising deadline for the code and to re-advertise.

Councilor Pelletier made a motion, seconded by Councilor Chabot to continue the Public Hearing on Fee and Fines Resolution to March 25, 2013. Motion passed unanimously.

President Roderick closed the Public Hearing.

The Town Council was sitting as the Board of Licensing Commissioners:

BOARD OF LICENSING- PUBLIC HEARING – ADVERTISED

Jeffrey T. Nagle, 330 So. Christopher– Requests Approval of Annual Renewal of Private Detective License - Subject To Meeting All Legal Requirements – Continued From January 14

Town Clerk Mello received a background check earlier in the day from Mr. Nagle. As a result, Police Chief Blakey was unable to review, will call the Town Clerk when the license can be issues, is subject to meeting all legal requirements.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to approve the annual renewal of a Private Detective license for Jeffrey T. Nagle, for a term of December 14, 2012 to December 13, 2013, subject to meeting all legal requirements. Motion passed unanimously.

APPOINTMENTS & RESIGNATIONS:

Request for Council Liaisons a.Newport Chamber of Commerce b.Prevention Coalition Alliance

Requests for Council Liaisons were received from Newport Chamber of Commerce and the Tiverton Prevention Coalition. The Coalition usually meets in the morning on the third Monday of the month. Councilor deMedeiros will check her schedule, Town Clerk Nancy Mello volunteered to attend until a Council member is able. Councilor Lambert volunteered to be the liaison to the Newport Chamber of Commerce.

Resignation of David E. Vannier Harbor Master to Take Effect March 31, 2013

a.Town Administrator – Request Approval to Advertise for Position

Town Administrator Goncalo received the resignation request from Harbormaster David Vannier, attempted to get him to reconsider. He has brought the position a very long way, done it well, brought increased revenue, reviewed all moorings, has done an excellent job. Councilor Pelletier suggested adding with deep regret, has done a tremendous amount of work, service above and beyond, thanked the Harbormaster for his service. President Roderick noted Mr. Vannier brought a certain amount of professionalism to the Harbormaster position. Former Harbor member, Harris Gruber also praised the Harbormaster for his work, which included saving a life. Should defer accepting until a new Harbormaster is in place. Councilor Pelletier pointed out in the resignation letter the Harbormaster agreed to stay on until March 31st. Harbormaster Vannier agreed to help with whatever is necessary until a new Harbormaster is appointed.

Councilor Arruda made a motion, seconded by Councilor deMedeiros to accept with deep regret the resignation of Harbormaster David Vannier. Motion passed unanimously.

Administrator Goncalo requested approval from the Council to advertise for the Harbormaster position, included a job description as well.

Councilor deMedeiros made a motion, seconded by Councilor Pelletier to approve the request to Advertise for the Harbormaster position. Motion passed unanimously.

UNFINISHED BUSINESS:

Council Goals

Town Clerk Mello had just received a few more goals, Council should number privately, give to the Clerk, will put on the next agenda.

FINANCIAL BUSINESS:

Councilor deMedeiros – Review of Proposed 2013/14 Budget

Councilor deMedeiros requested the review of the Budget be placed on every agenda, were given an updated one last Thursday, Councilor Pelletier was not in attendance. T/A Goncalo had made the requested changes from the Council, to redo the Fire Station roof, estimate between \$30,000, have \$35,000 in the budget just in case of problems. Maintenance Foreman, Bob Martin, was waiting for another report for just a cost overlay, the right way would be to strip tarpaper and shingle the entire roof. Cut from the budget the Night Vision goggles, for TIF Bond refinancing Treasurer Saurette had met with public finance management, TIF is eligible for refinancing as of May 1st. Treasurer responded would have several hurdles, premium redemption price is 2% over the amount of the bond to recall early, will cost money for Bond Counsel, rating on the bond costs money. Is a TIF bond not a general obligation bond; have to look at the whole package. Can look at the School bonds in a few years. President Roderick suggested an analysis would be good. Treasurer Saurette noted a lot of factors come into play. Asked Chief Blakey to look into shutting off street lights. Chief Blakey reported, was done about 3 years ago, and costs \$25 to put each one back on, after three years they remove, waiting for a response. Minimal complaints from the public. The \$65,000 requested for DPW, vehicles getting older need more repairs, in the past just used to transfer funds into that account. Maintenance pick-up truck, an analysis shows it costs \$2,800 per year, if the Town insures \$1,000; owner paying \$1,800 has responsibility. Mowing Services, asked DPW Director Berlucchi what it would take for the Town to do, budget \$26,000 spent on the Town Farm, Bulgarmarsh Park, Pocasset Field, East Road, Fort Barton, Bay View park, Senior Center, the Town lot, Grinnell's, Fogland, the libraries and Town Hall. Would need 2 men at \$12 per hour from May to November, estimate \$27,000, need one-ton truck with trailer, 2 riding mowers, more cost effective to stay with a contract. Councilor deMedeiros noted the need for another workshop, need to cut this budget by \$150,000 to \$200,000 minimum, not acceptable as is, request the Administrator bring some suggestion of cuts. President Roderick noted \$170k was added back in for landfill closure with no offset. President Roderick suggested Wednesday, February 6th. Town Clerk Mello noted the workshop would have to be at the Community Center due to other meetings being held at the Town Hall.

TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:

1. Fire Chief Robert Lloyd, in mid-February, will travel to Louisiana for acceptance of a new Fire Engine prior to delivery to Connecticut for final preparations.
2. Received an Assent from CRMC to move Fogland Playground, repair damage from super storm Sandy.
3. AARP will be providing tax assistance for elderly and low income beginning February 1st from 9-3pm every Wednesday and Friday up to Friday April 12.

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Councilor Pelletier – b.Resolution in Support of Legislation Against Tolls on the New Sakonnet River Bridge

Councilor Pelletier requested item b, Resolution in Support of Legislation Against Tolls on the New Sakonnet River Bridge be taken up on the next agenda. Councilor Chabot noted the Budget Committee requested some of their meetings be videotaped and to arrange for payment, requested the Town Clerk arrange. President Roderick suggested the payment could come out of Council Contingency.

TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

There were no items or announcements from the Town Solicitor.

TOWN CLERK ANNOUNCEMENTS:

There were no announcements from the Town Clerk.

CLOSED EXECUTIVE SESSION:

- 1. Town Solicitor – 42-46-5(a) (2) – Potential Litigation – Site Ready Materials and Recycling Co.**
- 2. Town Solicitor – 42-46-5(a) (2) – Quarterly Litigation Report/Auditor Opinion Letter**
- 3. Town Solicitor – 42-46-5(a) (2) – Potential Litigation – Essex Library: cy pres action**
- 4. Councilor Pelletier - Personnel – 42-46-5(a) (1) – Performance Evaluation of Town Administrator Notice Provided**

Councilor Lambert made a motion, seconded by Councilor Chabot to enter into Closed Executive Session pursuant to 42-46-5 (a) (20- Town Solicitor- Potential Litigation-Site Ready Materials and Recycling Co. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Chabot to remain in Closed Executive Session pursuant to 42-46-5(a) (2) - Town Solicitor – Quarterly Litigation Report/Auditor Opinion Letter. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Chabot to remain in Closed Executive Session pursuant to 42-46-5(a) (2) -Town Solicitor – Potential Litigation – Essex Library: cy pres action. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Chabot to remain in Closed Executive Session pursuant to 42-46-5 (a)(1)- Councilor Pelletier - Personnel– Performance Evaluation of Town Administrator Notice Provided. Motion passed unanimously.

The Council entered into Executive Session at approximately 9:40 p.m.

The Council returned to Open Session at approximately 10:45 p.m.

OPEN SESSION:

President Roderick announced formal action was taken in Executive Session regarding litigation.

Councilor Pelletier motioned to seal the minutes, seconded by Councilor Lambert. Motion passed unanimously.

ADJOURNMENT:

Councilor Lambert made a motion, seconded by Councilor Chabot to adjourn, passed unanimously.

Council adjourned at approximately 10:50 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk